

**REMARKS**

Claims 1-3 and 5-13 are pending in this application, with claim 4 having been cancelled by this amendment to avoid a previously unrecognized antecedent basis deficiency for "small representative quantity of milk" recited in that claim. Because this Amendment only cancels a claim and is being filed subsequent to a notice of appeal and before filing Applicant's appeal brief in connection with this application, entry of this amendment is respectfully requested under 37 C.F.R. §§ 41.33(a) and 1.116(b)(1).

**CONCLUSION**

In view of the above, Applicant earnestly solicits entry of the Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: \_\_\_\_\_

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